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JUN 05 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT MAINTENANCE  
DIVISION

Applicant : Patricia Ann Piers

Appl. No. : 10/768,755

2006 JUN -8 PM 3:48

Filed : January 30, 2004

For, : METHODS FOR OBTAINING OFFICE  
OPHTHALMIC LENSES PROVIDING THE  
EYE WITH REDUCED ABERRATIONS

Examiner : Jessica T. Stultz

Group Art Unit : 2873

## CERTIFICATE OF FACSIMILE

I certify that this correspondence is being faxed to  
the Refunds Branch in the Finance Office at the  
USPTO to fax number 571.273.6500.

*June 1, 2006*  
DATE  
*R. Smith*

Petition Under 35 U.S.C. 42(d) and 37 CFR 1.26

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner respectfully requests that the Office refund excess fees that were including two charges of \$130.00 under fee code 1464 and two charges of \$790.00 under fee code 1801, for a total refund of \$1,840.00 to be refunded to Deposit Account No. 502317.

The excess fees were a result of a resubmission on May 5, 2006 of a defective submission made on May 4, 2006 that had included a Request for Continued Examination (RCE), a Petition Fee Transmittal form, and an Information Disclosure Statement. However, the May 4 submission was inadvertently filed without a petition to withdraw the application from issue under 37 CFR §1.313. The entire May 4 submission was resubmitted on May 5 to include the missing 37 CFR §1.313 petition. In addition, a duplicate FAX copy marked "Duplicate Copies of Documents Mailed May 5, 2006" was also sent, as requested by Karen Creasy in the Petitions Office in a phone call with the undersigned. A summary of these submissions and the charges incurred are indicated below.

		Date of charge to Dep. Acct. 502317	
Submission Date	Submission	1.313 Petition (fee code 1464)	RCE (fee code 1801)
May 4	Submission w/o 1.313 petition	May 9	May 8
May 5	Submission w/petition (mailed copy)	May 9	May 9
May 5	Submission w/petition (duplicate fax copy)	May 8	May 9

Adjustment Date: 06/20/2006 SDENBOB1  
05/09/2006 SDENBOB1 00000024 502317 10768755  
01 FR:1801 790.00 CR

Appl. No. : 10/768,755  
Filed : January 30, 2004

Copies of these submissions from PAIR are submitted along with current petition as supporting evidence. Since the fees for the 37 CFR §1.313 petition and the RCE were each paid three times altogether, the undersigned requests that two of the charges for each be refunded to Deposit Account No. 502317 (a total of refund of \$1,840.00).

Dated: June 1, 2006

Respectfully submitted,  
Advanced Medical Optics

By: 

David Weber  
Registration No. 51,149  
Agent of Record  
Customer No. 33357  
(714) 247-8232

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Patricia Ann Piers  
 Appl. No. : 10/768,755  
 Filed : January 30, 2004  
 For : METHODS FOR OBTAINING  
 OPTHALMIC LENSES  
 PROVIDING THE EYE WITH  
 REDUCED ABERRATIONS  
 Examiner : Jessica T. Stultz  
 Group Art Unit : 2873

Petition Under 37 CFR §1.313

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Petitioner respectfully request that instant application be withdrawn from issue because the references contained in an IDS received by the Patent Office on January 17, 2006 were not considered by the Examiner. Accordingly a new IDS with these references and Request for Continued Examination are filed along with this petition.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 502317.

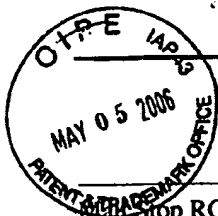
05/09/2006 SDENB081 00000024 502317 10768755  
 02 FC:1464 130.00 DA

Dated: May 5, 2006

Adjustment date: 05/20/2006 SDENB081  
 05/09/2006 SDENB081 00000024 502317 10768755  
 02 FC:1464 130.00 CR

Respectfully submitted,  
 Advanced Medical Optics

By: David Weber  
 David Weber  
 Registration No. 51,149  
 Agent of Record  
 Customer No. 33357  
 (714) 247-8232



**REQUEST FOR CONTINUED EXAMINATION (RCE)  
UNDER 37 C.F.R. § 1.114**

Patent Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number: 10/768,755  
Filing Date: January 30, 2004  
First Named Inventor: Patricia Ann Piers  
Group Art Unit: 2873  
Examiner Name: Jessica T. Stultz

This is a Request for Continued Examination (RCE) under C.F.R. § 1.114 of the above-identified application.

1. Submission Required Under 27 C.F.R. § 1.114:

- (X) Enclosed:
- (X) Certificate of Mailing by Express Mail
  - (X) Petition Fee Transmittal to withdraw an application from issue
  - (X) Petition Under 37 CFR § 1.313
  - (X) Request for Continued Examination Transmittal
  - (X) Information Disclosure Statement and Form PTO-1449 listing 14 publications
  - (X) Copies of 14 publications
  - (X) Return postcard

2. Fees:

- (X) RCE fee (\$790.00)  
(X) Fee for Petition to withdraw an application from issue (\$130.00)

3. Method of Payment of Fees

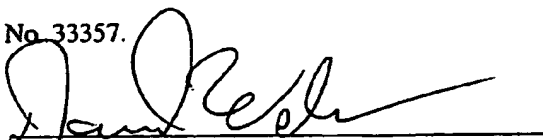
Charge Account No. 502317 in the amount of **\$920.00**.

4. Authorization to Charge Additional Fees

(X) The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. § 1.16 and § 1.17 which may be required, now or in the future, or credit any over payment to Deposit Account No. 502317. A duplicate copy of this sheet is enclosed.

Address all future communications to Customer No. 33357.

Date: May 5, 2006

  
David Weber  
Agent of Record  
Registration No. 51,149  
Customer No. 33357  
714.247.8232

05/09/2006 SDENB081 00000024 502317 10768755  
01 FC:1801 790.00 DA

Adjustment date: 06/20/2006 SDENB081  
05/09/2006 SDENB081 00000012 502317 10768755  
01 FC:1801 790.00 CR

**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**  
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/768,755
Filing Date	January 30, 2004
First Named Inventor	Patricia Ann Piers
Art Unit	2873
Examiner Name	Jessica T. Stultz
Attorney Docket Number	52082DIV

Enclosed is a petition filed under 37 CFR 1.17(h) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.000 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 502317:  
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments  
Enclose a duplicative copy of this form for fee processing.
- ☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.
- ☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

05/09/2006 SDENBOB1 00000012 502317 10768755  
02 FC:1464 130.00 DR

David Weber

Signature

Typed or printed name

May 4, 2006

Date

51,149

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 06/20/2006 SDENBOB1  
05/09/2006 SDENBOB1 00000012 502317 10768755  
02 FC:1464 130.00 DR

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